

# CHAPTER Y

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## **SECTION 1: POLICY**

### **Y.00 Introduction**

Work for Others is defined as any work performed under specific requests and authorizations by other Divisions, such as Traffic, Environmental, Construction, Right of Way, Equipment and others within the Department of Transportation (Caltrans). Work for Others includes work for other entities, departments and institutions within State government.

For other entity work, Caltrans usually enters into written agreements that outline the work to be performed and specifies the expenditures authorized.

Refer to Maintenance Manual Volume 2, “Y” Family, for a detailed description of planning, scheduling, administration, and the appropriate charging practices for activities contained in this chapter.

Work for Others can include charging to established Expenditure Authorizations (EAs) within fiscal year cross allocation agreements, and work for which the Maintenance Division gets reimbursed.

Maintenance forces should provide service only when a valid EA is made available so that workload that should be funded by others does not get absorbed by Maintenance funded resources.

### **Y.01 State Park Roads**

It is Caltrans policy to require the Department of Parks and Recreation to finance all work on roads in State Parks that are under their jurisdiction. While such work is not financed from State Highway Funds, it may be performed by Caltrans forces under authority of an Interagency Service Agreement (Standard Form 13), and is covered by 926XXX Expenditure Authorizations.

The work to be performed must conform to the work that is authorized in the Interagency Agreement, and is to be restricted to the locations specified therein. Work is not to be undertaken without written request from the local Park Superintendent. Such request will not require advance approval by the Maintenance Division.

Agreements should be written to specify that routine patrol and surveillance activities are to be performed by the Department of Parks and Recreation. Written requests from the Park Superintendent should then outline the desired work, and specify the expenditure authorized therefore. Such authorized expenditures are not to be exceeded without prior approval by the Department of Parks and Recreation or Park Superintendent. Also, the overall expenditure must not exceed funds allotted under the 926XXX Expenditure Authorization. Every effort should be made to expedite billings to the Department of Parks and Recreation to permit them to re-allocate unexpended balances to other needed work.

Special consideration should be given in the agreement for the possible need of a periodic, in-depth, inspection of bridges and structures by the technical staff of the Caltrans Division of Structures. At this time, it is unlikely that the Department of Parks and Recreation has adequate personnel qualified to inspect and recommend future preventative maintenance needs. The basic agreement should include a statement that needed inspections are authorized without the need for additional written requests from the Park Superintendent.

## **Y.02     Work for Other Entities--"926" Authorizations**

Accommodation work may be performed for individuals, firms, or political subdivisions of the State.

Funds, sufficient to cover the estimated cost must be deposited by an individual, or firm as a prerequisite. Work for a city or county may be arranged for under cash deposit, special agreement, or purchase order. Work for other State agencies is usually authorized by execution of Standard Form 13, Interagency Service Agreement. This agreement constitutes a contract entered into by Caltrans and the other entity and, as such, must be rigidly adhered to as to amount, type and extent of work to be performed, time limits, etc. No deviation from the terms of an Interagency Service Agreement is permitted without the approval of the contracting agencies and the Department of Finance.

The work to be performed under any of the above arrangements is not to be undertaken until the work order is issued or advance approval is otherwise obtained. "Blanket" work order numbers for recurring work performed by Maintenance forces occur in EA's 930XXX. Current blankets can be checked with your District Project Control Officer. Consecutively numbered specific "926" work orders are issued for work not covered under the assigned blanket allotments. All of these work orders are used in conjunction with the Integrated Maintenance Management System (IMMS) "Y" Family on the IMMS Work Order.

### **Y.03 Minor Improvement or Betterment Work**

New construction (Minor improvement or betterment work) when performed by Maintenance forces, is under the control of the Division of Construction.

Small project requests, or minor construction allotments performed under "Day-Labor", and the final reports shall be submitted in the prescribed format, as per the Division of Construction. Minor construction, improvement or betterment work, if requested by others and performed by Maintenance forces, is considered "Day Labor" and is subject to maximum limits imposed by State law (Government Code 10122.6). This law limits the value of minor construction, improvement or betterment work performed by Maintenance forces to be no more than \$25,000 per project. Otherwise, the requesting office should obtain a contractor. The \$25,000 limit may be waived, but requires an approved Headquarters Director's Order.

Work done at the request of others that would normally be considered routine maintenance is **not** considered Day Labor. Example: Traffic Operations requests trimming of roadside vegetation to improve sight distance at the apex of a curve. This is not subject to the Day Labor law because the nature of the work is routine maintenance.

Work done at the request of others that is subject to the Day Labor law includes new construction, improvements and rehabilitation. Examples include:

- (A) Improve grade or widen roadbed, including shoulders.
- (B) Correct sub-drainage, stabilize base, import select materials on sections with poor base.
- (C) Improve sight distances.
- (D) Extend old or install additional or larger capacity culverts.
- (E) Benching or flattening cut slopes in connection with slide or slipout correction.
- (F) Improve bridge decks.
- (G) Install guardrail or other safety devices.
- (H) Place rip-rap, slope paving, etc., for erosion control or bank protection.
- (I) Installation of horizontal drains.
- (J) Installation of new traffic control signage.

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State law requires Final Completion reports to be kept on file for all Day Labor work in excess of \$15,000. See Chapter 2 of this manual for more information.

**Y.03.1          Final Reports on Contracts and Day Labor Work**

Final reports on all contracts financed under Minor Improvement Betterment, or other Construction funds are to follow the form prescribed by the controlling office. Final reports for Day Labor work in excess of \$15,000 are required. See Chapter 2 of this manual for more information.

**Y.04          Work for Division of Right of Way**

Work for the Office of Right of Way on excess lands, or in fulfillment of a Right of Way obligation subsequent to construction, shall be undertaken, only upon instructions from the District Right of Way Agent as per the R/W work order, against which the charges are to be applied. Such work located outside of operational highway right of way shall be limited to such items as weed clearance, removal or diseased trees, the building of barricades, and filling of dangerous holes. Building of right of way chain link fences shall not be included in this category of work.

## **SECTION 2: ENCROACHMENT PERMITS**

### **Y.05 Introduction**

Caltrans is vested with full possession and control of all State highways, and all property and rights in property acquired for State highway purposes pursuant to Sections 90 and 92 of the Streets and Highways Code.

All work performed under the Maintenance Family "Y5" is administered by the Office of Encroachment Permits, Division of Traffic Operations.

In order to preserve capital investment, ensure maximum safety to the traveling public and protect adjacent property, legislative and policy limitations have been placed on the use of highway right of way.

Exceptions to these limitations can only be authorized under an encroachment permit issued after a thorough evaluation has established that the exception is not contrary to public interest or safety.

### **Y.06 Maintenance Levels**

The efficient processing of encroachment permit applications is necessary to provide a proficient level of service and to maintain good public relations.

Work performed under an encroachment permit should be inspected to ensure compliance with Departmental standards and encroachment permit conditions.

#### **Y.06.1 Statutory Authority**

Authority to control encroachments within State highway right of way is contained in Chapter 3, Division 1, Articles 1, 2, 2.5 and 3 of the Streets and Highways Code. Definitions of the term "highway" and "encroachment" are quoted from Section 660 of said Code as follows:

- (A) The "highway" includes all or any part of the entire width of right of way of a State highway, whether or not such entire area is actually used for highway purposes.

- (B) The term “encroachment” includes any tower, pole, pole line, pipe, pipeline, fence, billboard, stand or building, any structure or object of any kind or character not particularly mentioned in this section, or special event, which is placed in, under, or over any portion of the highway. “Special Event” means any street festival, sidewalk sale, community-sponsored activity, or community-approved activity.

**Y.06.2            Encroachment Permits Manual**

The Division of Traffic Operations, Encroachment Permits Office has developed the "Encroachment Permits Manual" which contains policy, procedures, and rules and regulations for use in issuing encroachment permits. This manual should be consulted for detailed information concerning encroachment permits.

**Y.06.3            Work Requiring Permits**

It is unlawful for any person to perform any of the following acts within State highway right of way without first applying for and obtaining an encroachment permit from the district office having jurisdiction over that State highway involved for :

- (A) Make an opening or excavation for any purpose in any State highway.
- (B) Place, change or renew an encroachment.
- (C) Place or display in, under, or over any State highway, any kind of advertising sign or device.
- (D) Plant, remove, cut, cut down, injure or destroy any tree, shrub, plant or flower growing within any State highway.
- (E) Install or remove tire chains upon motor vehicles for compensation.
- (F) Occupy State highway right of way for any use or purpose or interfere with or obstruct highway traffic in any manner not authorized by law.

The State may require a permit and bond for, or require the removal of any encroachment in or on any part of a State highway. Bonds are generally not required from public agencies as provided for in Section 678 of the Streets and Highways Code.



**Y.06.4          Salvage Operations**

When an owner or authorized agent requires or is required to return to the scene of an accident for the purpose of salvage operations (i.e. clean-up of a spilled load, removal a wrecked vehicle, etc.), and these operations can be performed within a 24 hour period, the Maintenance Superintendent's Office shall issue a "Letter of Consent" (form TR-0131). In addition, a transportation permit is required for over-length or over-weight tows.

A Letter of Consent is not required in cases where:

- (A) The life or safety of vehicle occupants is involved.
- (B) It is to recover victims.
- (C) Wrecked vehicles or their loads are blocking the highway.
- (D) A law enforcement officer orders removal from highway right of way.

**Y.06.5          Chain Installer Operations**

In accordance with Streets and Highways Code, Section 670, individuals are allowed within the highway right of way, under an encroachment permit, for the benefit of the traveling public and Caltrans for the purpose of installing and/or removing snow chains.

Revocation of this Caltrans Encroachment Permit is at the discretion of law enforcement or any State representative for the purpose of illegal behavior or public safety. The District Permits Engineer shall be notified immediately.

**Y.06.6            Business or Private Property Road Approaches**

A property owner (private or commercial) or their authorized agent in control of the property desiring to construct access (i.e. driveway or road-approach) to a State highway, shall apply for and obtain an encroachment permit. It is the responsibility of the property owner to maintain the approach from their property line up to the improved shoulder of the highway.

When ownership of lands adjacent to a State highway changes, the new property owner may or may not be aware of their responsibilities for maintaining the approach to their property. When given the opportunity, district forces should inform these new owners of their responsibilities and their requirement to apply for and obtain a new encroachment permit for “record purposes only.”

Encroachment permits are not “property rights.” An encroachment permit is a tool utilized by Caltrans to grant or allow permission to access onto State highway right of way for the purpose of conducting an activity, and are revocable for non-compliance of the permit conditions or for reasons of public safety.

The property owner or their authorized agent should be notified of the ramifications of when an encroachment permit is revoked. Revocation of a permit should be utilized only as a last measure, and with the approval of the District Permits Engineer.

**Y.06.7            Public Road Approaches**

When public roads (city or county) intersect with a State highway, it is the responsibility of Caltrans to maintain that portion of the intersecting public road within State highway right of way.

An encroachment permit is required whenever public entity or agency work forces desire to perform maintenance of their existing facilities that are within State highway right of way, unless otherwise stipulated within a Maintenance Agreement.

When a public roadway intersection is separated by a structure, maintenance in these locations will be as stipulated within the Maintenance Agreement with that public entity.

New construction of a public roadway intersecting with a State highway shall be constructed to meet Caltrans standards for the type and volume of traffic expected.

Local entities shall provide adequate signage and safety devices (directional or warning signage) as required by the Caltrans District Traffic Engineer for traffic entering State highway right of way from new intersecting road constructed.

Y.06.8 Rural Mailboxes

The placement of rural mailboxes within State highway right of way is permitted under an encroachment permit for the convenience of the public.

The following postal regulations apply to rural mailboxes:

POSTAL MANUAL  
U.S. Post Office Department  
Section 156.54 - Location

Rural boxes, must be placed so that they may be conveniently served by carriers without leaving their conveyances, and must be located on the right-hand side of the road in the direction of travel of the carriers in all cases where traffic conditions are such, that it would be dangerous for the carriers to drive to the left in order to reach the boxes, or where doing so, would constitute a violation of traffic laws and regulations. On new rural routes, all boxes must be located on the right of the road in the direction of travel of the carrier. Boxes must be placed to conform with State laws and highway regulations. Patrons must remove obstructions, including snow, that make delivery difficult.

Section 156.55 - Grouping

Boxes should be grouped wherever possible, especially at or near crossroads, or at other places where a considerable number of boxes are located.

Persons desiring the benefits of service on a rural mail delivery route are required by the Post Office Department to furnish, erect, and properly maintain mailboxes for the reception of mail. The Department wishes to cooperate with the Postal Service in permitting mailboxes at locations convenient to mail carriers and, at the same time, not interfere with highway maintenance operations.

Owners of mailboxes are encouraged to place them in a group, so that they can be serviced by the carrier, at one stop. Where a group installation is already in place, a new box owner should be required to install his box in the same location. New installations are preferred on the far right-hand side of an intersection.

Maintenance forces shall provide suitable surfacing between the roadway and a group of mailboxes. This surfacing shall conform to the adjoining shoulder material, except where there is an earth shoulder. In this case, sufficient gravel surfacing may be placed.

Mailboxes shall not be positioned so as to obscure highway signs or interfere with maintenance operations.

Supports for mailboxes should be a breakaway or a forgiving design. Generally, the wood support, if without breakaway modification, should be no larger than 4 inches x 4 inches. Maximum inside diameter of steel pipe should be no more than 1½ inches. Axles, plows, crankshafts, etc. should not be used, as they are potentially severe to hit. Multiple box installations should be located, where possible, off of the State highway. If this is not possible, individual supports for each mailbox shall be used.

Mailboxes and supports shall be manufactured according to U.S. Post Office specifications.

Mailboxes on Freeways - Except in unusual circumstances, mailboxes will not be allowed on new expressways or full freeways. When a freeway is constructed on new alignment, there will be no mailbox problem, as access rights have previously been acquired, and a new highway in this category would not be selected for a rural mail route. In cases where a two-lane highway is converted into an expressway with access controlled, mailboxes must be removed and erected on the new rural mail route, which will be established on frontage roads. When no frontage road has been provided, rural mailboxes may be placed at a convenient location near an interchange or grade separation structure. The most desirable location at an interchange would be on county road section beyond the highway right of way.

However, the exact location should be determined by the district in cooperation with the local Postmaster.

These requirements also apply to newspaper boxes where appropriate.

#### **Y.06.9      Inspection and Report on Permits**

Inspection of permitted work is generally by an Encroachment Permits Inspector. However, in some locations, a Maintenance Area Superintendent or Maintenance Supervisor may perform inspection of the permitted work.

Specific types of permitted work require a greater degree of inspection. In those cases, it is the responsibility of the District Permits Engineer to ensure that adequate and competent inspection is provided.

Violations of permit conditions or public safety shall be reported immediately to the District Permits Engineer, and a notification of such violations given to the permittee in writing.

**Y.06.10          Franchise**

A franchise may be granted by a city or county for another entity to operate on their behalf. In some cases this may include such operations within State highway right of way.

There may be a requirement to relocate the placement of these facilities when highway needs so require, and at the expense of the franchise holder.

There are two types of franchises:

- (A) Those that require approval of Caltrans.
- (B) Those that do not require approval by Caltrans.

Written approval by Caltrans is required prior to a franchise being approved by a city or county when:

- (A) The location of the franchise encumbers controlled access right of way (freeways and expressways).
- (B) It is intended for the placement of street or railroad tracks, or the operations of street railroads or other railroads on any State highway. Caltrans is required to approve or reject a request for approval within 90 days after the application is filed with Caltrans. Failure of the Department to act upon any such application shall be deemed to constitute approval thereof.

An exception is that a franchise may be granted over the common area of an intersection without written approval from Caltrans.

The city or county shall give notice to Caltrans of its intention to grant any franchise, at the time of filing of such application by any applicant. (See Streets and Highways Code 688).

**Y.06.11          Commercial Use of Right of Way**

State highway right of way may not be used for commercial purposes. Construction of road approaches to allow access to and from commercial property adjacent to highway right of way, and the installation of public utilities or other public service facilities, are only allowed within highway right of way under an encroachment permit, when not restricted by access controlled right of way (freeways and expressways).

Service stations and other roadside vending establishments shall be set back on private property to allow sufficient width for service driveways outside of the right of way. The servicing of vehicles within the limits of the State highway right of way is not allowed.

The construction of driveway approaches to service stations will not be allowed unless a clear minimum distance of at least 10 feet is provided between the gasoline pump block and the property line.

Vending within highway right of way from any vehicle or structure is prohibited under Section 731, of the Streets and Highways Code. Assistance of the California Highway Patrol or local law enforcement should be requested in persistent cases.

Storage tanks, loading platforms, private truck scales, etc., are not allowed within highway right of way.

Permits may be granted to public transportation agencies to construct or place bus passenger waiting shelters within a conventional highway.

#### **Y.06.12      Procedure on Unauthorized Encroachment**

When a private party is working within State highway right of way, and they do not have an encroachment permit in their possession, or did not apply for and obtain an encroachment permit, this constitutes an illegal encroachment.

When this type of situation arises, the following procedures shall be followed:

- (A) Approach the party doing the work in a friendly manner;
- (B) Ask if they have obtained an encroachment permit to do this work;
- (C) If they have not, then explain to them the requirements for doing work within State highway right of way;
- (D) Contact the permit inspector for that area and inform them of the illegal encroachment;
- (E) If the work being done can be deemed minor in character, and imposes no threat or safety impact to the traveling public, the work may be allowed to continue, if:
  - (1) The work will not affect the condition of the highway;
  - (2) The party doing the work is willing to follow the requirements stipulated by the Maintenance Area Superintendent or Maintenance Supervisor; and
  - (3) The party fills out an application for an encroachment permit.

- (F) If the work being done does or will affect the roadway, safety of traffic, appearance or future development of the highway, then the following procedures shall be followed:
- (1) Contact the Permit Inspector for that area;
  - (2) Request the party to stop all work, and explain why;
  - (3) Notify the party that you may have to contact local law enforcement or CHP if warranted (the party refuses to stop work);
  - (4) Tag the work site as an illegal encroachment (red tag);
  - (5) Provide a copy of the tag to the party working;
  - (6) Notify the Maintenance Area Superintendent and District Permits Office.

The Deputy District Director, Maintenance may consider the advisability of initiating civil action to collect costs, to remove, enjoin, or otherwise resolve the situation. Field forces will not take removal action under an encroachment notice without specific instructions by district Maintenance.

However, Maintenance forces may summarily remove encroachments within the right of way which consists of refuse or is an advertising sign (except legal notices). (See S&HC Section 721 and Chapter “D1” of this manual for more details).

### **SECTION 3: TRANSPORTATION PERMITS**

#### **Y.07 Transportation Permits**

##### **Y.07.1 Statutory Authority**

Division 15, of the California Vehicle Code, contains statutory limitation on size, weight, and loading of vehicles. Section 35780 grants discretionary authority to Caltrans to issue special permits in writing upon written application to exceed these limitations on State highways when good cause appears. This authority is delegated to Caltrans and is administered by the Office of Truck Services Transportation Permits Branch of the Division of Traffic Operations. It is unlawful to operate or move any non-exempt vehicle or load exceeding legal limitations or duly posted weight limits without a special permit referred to as a transportation permit.

Section 35795, of the California Vehicle Code, provides that the Department of Transportation may charge a fee for the issuance of transportation permits. The fee schedule shall produce estimated revenue not to exceed the total cost to the Department for administering the issuance of transportation permits.

##### **Y.07.2 Transportation Permit Manual**

The “Transportation Permits Manual” provides detailed information on the transportation permit process. Information is provided regarding submittal of the application, obtaining and the issuance of transportation permits. Departmental Policy Memos and other resources can be researched at the following web site: <http://www.dot.ca.gov/hq/traffops/permits/>.

##### **Y.07.3 Transportation Permit Offices**

There are two Regional Transportation Permit Offices, the Northern Regional Office is located in Sacramento and has jurisdiction over all trips originating west of Mono and Inyo Counties, and North of Kern and San Luis Obispo Counties. The Southern Regional Office supports all other Counties and is located in San Bernardino. The Regional Office locations and other contact information can also be found at the web site mentioned above.

Permit applications may be submitted, by the applicant or someone acting on their behalf, electronically, by fax, mail or over the counter. Permits may be issued to the applicant or someone acting on their behalf, electronically, by fax, mail or over the counter.



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**Y.07.4          Extra-legal Weight Charts**

The Office of Structures Maintenance has analyzed and assigned capacity ratings to all bridges on the State highway system. The assigned rating controls the amount of extra-legal weight that may cross the given structure. The various routes are classified as capable of carrying no permit load or multiple axles, orange, green or purple straight or bonus weight. This information is recorded on Caltrans' "Route Clearing Database." The database and extra-legal weight charts can also be found at the above web site.

**Y.07.5          Procedure on Control of Illegal Loads**

When any of the following occurs, Department personnel shall immediately notify the local Highway Patrol, with all available information (company name, tag numbers, etc.):

- (A) An extralegal/weight load is observed moving over a State highway without a transportation permit;
- (B) An extralegal/weight load is not moving in accordance with the terms and conditions of a transportation permit;
- (C) An extralegal/weight load has been involved in an incident such as a bridge hit or accident (also notify the local District Traffic Manager and Transportation Permit Regional Office of all incidents as well);
- (D) A report is received regarding an extra-legal load and/or vehicle traveling without a transportation permit, not moving in accordance with the terms and conditions of a transportation permit or has been involved in an incident such as a bridge hit or accident (report all incidents to the local District Traffic Manager and Transportation Permit Regional Office as well).

A detailed record shall be kept of damage to highway facilities by extra-legal loads and/or vehicles so that action may be taken to collect cost of repairs from the responsible party and other purposes. Information on all incidents (bridge hits, accidents, etc.) should be forwarded to the California Highway Patrol as well as the local District Traffic Manager and Regional Transportation Permit Regional Office in whose jurisdiction the incident occurred (this is for compliance, statistical and other reasons).